

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KENSANDRA SMITH and MARY ELLEN)	
NILES, <i>individually and on behalf of all others</i>)	
<i>similarly situated,</i>)	
)	
Plaintiffs,)	Case No. 23-cv-15828
)	
v.)	Hon. Jeremy C. Daniel
)	
LOYOLA UNIVERSITY MEDICAL CENTER,)	Hon. M. David Weisman
)	
Defendant.)	

JOINT MOTION TO STAY PENDING MEDIATION

Plaintiffs Kensandra Smith and Mary Ellen Niles (“Plaintiffs”) together with Defendant Loyola University Medical Center (“Defendant”) (collectively the “Parties”), by and through their respective counsel, jointly request that the Court enter an order staying this case in its entirety for 75 days to allow the Parties to prepare for and participate in a private mediation session scheduled for January 14, 2025. In support of this motion, the Parties respectfully state as follows:

1. On July 9, 2024, the Court granted in part and denied in part Defendant’s Motion to Dismiss the First Amended Complaint. *See* Dkt. No. 45.

2. On July 30, 2024, Magistrate Judge M. David Weisman presided over an initial status hearing, during which the Court entered a discovery schedule and scheduled a second status hearing for November 20, 2024 at 10:00 a.m., with a joint status report due by noon on November 18, 2024. *See* Dkt. No. 51.

3. Since then, the Parties have propounded discovery requests, met and conferred on the next steps and begun responding to written discovery.

4. At the same time the Parties were conducting discovery, they also began discussing the possibility of attempting to resolve this putative class action lawsuit via private mediation. Recently, the Parties retained the Honorable Morton R. Denlow (ret.) of JAMS to conduct a mediation session scheduled for January 14, 2025.

5. To conserve resources, the Parties respectfully request that the Court exercise its inherent authority to stay these proceedings for 75 days, including the upcoming status conference on November 20, 2024 at 10:00 a.m., joint status report thereto due November 18, 2024 by noon, and discovery and other deadlines and proceedings, while the Parties dedicate their efforts to mediating this case. *See, e.g., In re RC2 Corp. Toy Lead Paint Prod. Liab. Litig.*, No. 07 C 7184, 2008 WL 548772, at *5 (N.D. Ill. Feb. 20, 2008), *as amended* (Feb. 28, 2008) (noting that courts have the inherent power to stay cases in the interest of judicial economy); *Landis v. North American Co.*, 299 U.S. 248, 254 (1936) (explaining that the power to stay pending action “is incidental to the power inherent in every court to control the disposition of the cases on its docket with economy of time and effort for itself, counsel, and for litigants”).

6. In the event that the January 14, 2025 mediation does not fully resolve the case, the Parties shall submit a notice with the Court by January 21, 2024 requesting a scheduling conference to set new deadlines.

7. The Parties submit that good cause is shown for this request, this request is not sought for the purpose of delay, and no party will be prejudiced by the relief sought in this motion.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that the Court enter an Order staying these proceedings, including all case deadlines, pending the Parties’ mediation, and awarding all such other relief as is equitable and just.

Dated: November 14, 2024

Respectfully submitted,

/s/ Brian E. Middlebrook (w/ consent)

Brian E. Middlebrook (*pro hac vice*)

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CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all Counsel of Record.

/s/ David S. Almeida

David S. Almeida